

DUTCHESS COUNTY BOARD OF ETHICS

County Office Building

c/o Commissioner of Finance

22 Market Street

Poughkeepsie, New York 12601

December 7, 2018

A Complaint under the Dutchess County Code of Ethics dated October 5, 2018, addressed to the Dutchess County Board of Ethics, among others, and signed by Dutchess County Legislators Black, Munn, Page, Zernike, Amparo, Llaverias, Brendli, and Tyner, having been filed with the Dutchess County Board of Ethics alleging that County Executive Marcus Molinaro may have engaged in activities that amount to a violation of the Dutchess County Code of Ethics, having duly come on to be heard by the Dutchess County Board of Ethics,

NOW, after examination and careful review into the facts and circumstances of the Complaint, it is hereby

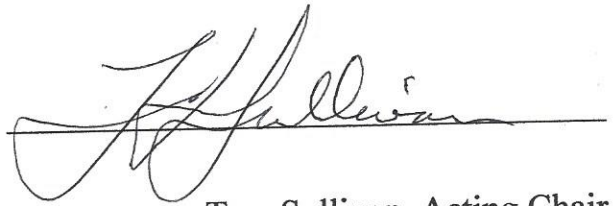
ORDERED, that the Complaint herein be and the same hereby is unanimously dismissed pursuant to Dutchess County Code of Ethics Section 12(b) by the Dutchess County Board of Ethics based on the following:

- 1) The Dutchess County contract with Tinkelman Architecture was awarded according to a two tiered statutorily mandated competitive “bidding” process in which County Executive Molinaro was not involved;
- 2) County Executive Molinaro had no involvement with Dutchess County Industrial Development Agency (IDA) “tax breaks” awarded to Tinkelman Architecture since the request for “tax breaks” originated with the local town and school district, not from anyone at the County of Dutchess. Also, the Dutchess County Legislature, not the County Executive, appoints members of the IDA in the first instance, and IDA members serve at the pleasure of the Dutchess County Legislature, not the County Executive. (See New York General Municipal Law Section 856(2));
- 3) County Executive Molinaro was not mandated to disclose on his annual Financial Disclosure Statement that his wife worked for Tinkelman Architecture as a part-time hourly employee during 2015 and 2016 since part-time employment does not rise to the level of a cognizable legal “interest” in a County Contract, which must be reported, as defined by the Dutchess County Code of Ethics Section 2(d). In addition, Tinkelman Architecture received zero compensation under its County contract for 2015 and 2016. The County Executive chose, however, to voluntarily disclose his wife’s position for 2017;

- 4) The County Executive's wife's salary was not a "gift" within the meaning of the Dutchess County Code of Ethics inasmuch as she received fair market value for hourly part-time services rendered. There was no allegation that this was a "no show" job. Nor could the County Executive's wife be considered a clandestine lobbyist from her part-time position as an employee at will at Tinkelman Architecture.

Dates: Poughkeepsie, New York

December 7, 2018

A handwritten signature in black ink, appearing to read 'Tara Sullivan', written over a horizontal line.

Tara Sullivan, Acting Chair

Dutchess County Board of Ethics